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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 KOHEN DIALLO UHURU,

12 Plaintiff,

13 v.

14 J. BENAVIDEZ, et al.,

15 Defendants.
16

No. 2:22-CV-0784-TLN-DMC-P

ORDER

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
18 42 U.S.C. § 1983.

19 Plaintiff's original complaint was filed on May 2, 2022. See ECF No. 1. On
20 November 1, 2022, Plaintiff filed a first amended complaint as of right pursuant to Federal Rule
21 of Civil Procedure 15. See ECF No. 25. Thereafter, on January 5, 2023, Plaintiff filed a second
22 amended complaint without leave of Court. See ECF No. 26. Because the second amended
23 complaint was filed without leave of Court or stipulation to do so, it was stricken. See ECF No.
24 29; See also, e.g., Hardin v. Wal-Mart Stores, Inc., 813 F. Supp. 2d 1167, 1181 (E.D. Cal. 2011)
25 (striking fourth amended complaint: "If an amended pleading cannot be made as of right and is
26 filed without leave of court or consent of the opposing party, the amended pleading is a nullity
27 and without legal effect."); Sexton v. Spirit Airlines, Inc., Case No. 2:21-cv-00898-TLN-AC,
28 2022 WL 976914 (E.D. Cal. March 31, 2022) (striking amended complaint); Guthrie v. Hurwitz,

Case No. 1:18-cv-00282-AWI-BAM, 2018 WL 4005261, at *1 (E.D. Cal. Aug. 20, 2018)
(striking amended complaint).

Plaintiff has now filed a third amended complaint, again without leave of Court or stipulation. It will also be stricken.

The sufficiency of Plaintiff's first amended complaint will be addressed separately.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's third amended complaint, ECF No. 30, is STRICKEN.

Dated: July 31, 2023



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE